Whistleblower Program
2005-06 Mid-Year Report

January 20, 2006

DOCUMENTS DEPT.

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Whistleblower Hotline
554-CITY (554-2489)

Hotline Hours
M, W, Th, F 9:00 – 5:00
T 10:30 – 5:00
(message available 24/7)

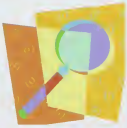
Online
www.sfgov.org/whistleblower

E-mail
whistleblower@sfgov.org

Postal mail
Whistleblower Program
c/o Controller
City Hall – Room 316
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

The City's Whistleblower Program Is Working

The Whistleblower Program is a resource available for City employees, contractors or vendors, and City residents who want to come forward with information about acts of waste, fraud or abuse. Such acts impact the resources of City government and its agencies. Violations may occur through an unintentional act or by a deliberate action. Regardless of intent, misuse of City resources or misconduct should not be tolerated.



Since August 2004, we have investigated complaints or have referred them to other appropriate City agencies for investigation as required. When we refer, we continue to confer and track the investigation until resolution. As a result of complaints to the program, City employees have been disciplined, persons defrauding City government have been prosecuted; waste has been controlled; audits have been performed; and improper activities have been identified and dealt with. In many cases, investigations have resulted in a determination that no actual violation exists and the complaint is not sustained. If we have contact information for complainants, they are informed in general of what we found.

For Your Info

Below are examples of the 83 allegations received by the Whistleblower Program from 7/1/05 through 12/31/05, a summary of our investigations and their results.

Complaint Allegation	Investigation and *Result*
IMPROPER ACCOUNTING Complainant alleged the Treasure Island Development Agency (TIDA), was not appropriately accounting for its revenues and expenditures	A Controller's audit concluded that TIDA has been poorly managed with regard to its financial practices, staffing, monitoring of interim subleases, expenditures, and employee payroll and reimbursements. *The audit recommends 35 improvements to management of TIDA activities.*
IMPROPER ACTIVITY BY CITY EMPLOYEES Complainant called to report two Recreation & Park Dept. staff were drinking beer on work time at a RecPark facility.	Investigation determined complaint had merit. The employees did have a beer with their lunch inside a park building. The department has an Alcohol Free Workplace policy. *The department disciplined both employees.*

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Take a number

Complaints are assigned a four-digit tracking number so complainants can later give additional information or track general complaint results. If you file a complaint on the Hotline or website, make a note of your tracking number. If you submit a complaint by email, we will give you the number by return email. No follow-up information will be given without the tracking number.

FRAUD Complainant alleged welfare fraud in the receipt of benefits to which recipient was not entitled. Subject is receiving aid payments for providing in-home care, however adults in home are actually ineligible non-disabled working adults and fraudulent paperwork submitted.	The Fraud Unit at the Dept. of Human Services investigated and determined the complaint had merit *Case was referred to the District Attorney's Office for prosecution.* Welfare fraud complaints can be reported directly to the Dept. of Human Services Fraud Early Detection Unit at 503-4900.
FRAUD Complainant alleged welfare fraud in the receipt of benefits to which recipient was not entitled. Subject is receiving aid payments for children with whom she is not living.	The Fraud Unit at the Dept. of Human Services investigated and determined the complaint had merit. *Monies are being recovered by deductions from welfare payments currently being received by the subject from Sacramento County.*
HIRING VIOLATION Complainant alleged two Muni staff were about to be promoted by a "sneak through" promotion process for promotions that had not been posted.	Investigation determined both identified staff positions were actually reclassifications that had taken over a year to process as positions are widely varied in duties and it took time to determine the appropriate classification. The reclassification process is conducted by the department and Dept. of Human Resources with detailed paperwork requiring multiple approvals. *Complaint not sustained.*
EMPLOYEE MISCONDUCT An Airport employee complainant made multiple allegations about another employee's falsification of records, misuse of City equipment, improper conduct, and improper management activities.	Investigation revealed complainant's issues had already received thorough investigation by his department. A couple of his allegations had been found to have merit and procedures had been changed. Other issues in his complaint were included in grievances he had filed with his union. The remainder of his complaint was not found to have merit by the department. *Whistleblower Program staff reviewed the department's investigation, found it complete and closed the complaint. We have no jurisdiction over grievance matters and did not address those issues.*
IMPROPER ACTIVITY BY CITY OFFICIALS Complainant alleged that two elected City officials owned property that had not been reassessed since purchase or improvement.	Investigation determined that in one case the property was in fact reassessed after purchase. In the other, improvements are still in progress and reassessment will follow that completion. *Complaint not sustained.*

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Complaints Received By

Email	*9*
Letter	*3*
Phone-In	*44*
Walk-In	*4*
WEB	*23*
Total:	*83*

Total number of contacts since program inception: 317

CONFLICT OF INTEREST
Complainant alleged a conflict of interest in that a member of the Health Commission works for an entity that has a major contract with the Department of Public Health since the Commission is in charge of renewing contracts.

Investigation found the Commissioner works for a non-profit contractor and the Campaign and Government Code specifically exempts employees of non-profits from the provision prohibiting those who contract with the City from serving on the boards or commissions that deal with their contracts. (Section 3.222) Commissioners are advised by the City Attorney regarding appropriate recusal.

Complaint not sustained.

INAPPROPRIATE USE OF A CITY RESOURCE
Complainant alleged the Legion of Honor Museum had violated the terms of appropriate use of the Joseph Guarnerius del Gesu Violin willed to the Legion of Honor by Jascha Heifetz. The will stated the museum is to have the Violin and it is to be played "on special occasions by worthy performers." Complainant stated the museum has given the Violin to the San Francisco Symphony concertmaster for long-term and renewable contracts; that it is no longer available to be viewed at the museum or played there on special occasions.

Consultation with the City Attorney's Office who reviewed relevant City and Probate Court records determined the use of the Violin is consistent with the terms of the Heifetz will as confirmed by an order of the Superior Court. The Court determined that more frequent use may improve the condition of the Violin; that the Violin would be scheduled to be returned for public display each summer; and confirmed the Museum's authority to enter into the arrangement with the Symphony. Hence the "arrangement is either within the scope of the original trust or constitutes a reasonable accommodation necessary to enhance the public benefit of the Violin and to preserve the Violin."

Complaint not sustained.

If you are interested in viewing the Violin when it is on exhibition or learning more about upcoming Symphony performances call (415) 750-3669.

This is just a small sample of whistleblower complaints that have been investigated and brought to resolution. The program has also handled numerous non-whistleblower complaints during the first and second quarter of 2005-06. Here are a few examples.

Complaint Allegation	Resolution
Complainant reported a MUNI driver on the 24-Divisadero line was verbally abusive and threatened to hit complainant with the bus. Complainant also alleged that discrimination based on perceived sexual orientation might have been involved.	Complainant had also reported the incident to the MUNI complaints line and action was pending. Because the Whistleblower Program is mandated to track complaints made to its Hotline, Program staff followed up until satisfied the appropriate investigation and action was being taken. *Personnel action against the driver is in progress.* Complaints about MUNI service or personnel may be made online at www.sfmuni.com

Time to Resolve
Less than 24 hrs: 20/33%
Less than 48 hrs: 1/1.6%
Less than 72 hrs: 1/1.6%
More than 72 hrs: 39/64%
Total Closed: 61

Complainant reported a public safety hazard concern in that a flower stand on Union St. put out large umbrellas on the sidewalk on sunny days where the 22-Fillmore bus stops. The umbrellas are difficult to avoid when exiting the bus.	We reported the matter to DPW who made an inspection, found the sidewalk umbrellas were not permitted and obtained agreement from the owner to discontinue their use. About a month later, complainant called again to state the problem was still occurring. *Upon second visit, DPW issued a $100 Notice of Violation.* You may call the DPW Street Use Bureau at 554-5810 to determine if there is a permit for a sidewalk obstruction or to file a complaint.
Complainant informed us of a drain on Pine St. that had been missing a cover for months.	We consulted with the Dept. of Public Works Sewer Operations manager. He determined the drain was on the sidewalk, therefore the property owner's responsibility. *A Street and Sidewalk Inspector has cited the property owner.* City residents should call (415) 554-5810 for concerns on public right-of-way, such as broken sidewalk or roadway, and street construction.
Complaint questioned whether construction work nearby was permitted. He also complained that work was beginning at 8 a.m. seven days a week.	Investigation determined there were permits, but they were expired. *We contacted the Dept. of Building Inspection who issued a Notice of Violation and gave the owner a 30-day notice to comply. The renewed permit was approved and posted.* The Police Code sets the hours for construction from 7:00 a.m. to 8:00 p.m. seven days a week. (Sec. 2908) The Dept. of Building Inspection website allows you to view building permit and complaint information for a particular address at http://services.sfgov.org/dbipts/. Or complaints about unpermitted construction can be filed by phone at 558-6096.

Don't jeopardize your confidentiality

We recommend that whistleblowers not discuss the complaint with others, including family, friends and co-workers. Discussion of your whistleblower disclosure may jeopardize your confidentiality and could hamper the investigation.

Whistleblower Program 2006-07 Mid-Year Report

January 18, 2007

Who Investigates Whistleblower Complaints?

The Whistleblower Program is mandated by the Charter to receive complaints and, when appropriate, investigate and otherwise attempt to resolve them. (Sec. F1.107). Appropriate matters to report to us are those which concern:

- wrongdoing (i.e. improper activities by City government officers and employees)
- misuse of City government funds and resources
- waste (wasteful and inefficient City government practices)
- the quality and delivery of government services

Complaints that may be reported to us but are referred elsewhere for investigation and resolution include those which law requires another agency to investigate, for example complaints of welfare fraud (investigated by the Human Services Agency), sexual harassment (DHR-EEO), campaign misconduct (Ethics Commission), or criminal violations (SFPD or District Attorney). We are also prohibited from investigating complaints which may be resolved through the grievance procedure.

For Your Info

Below are examples of the 119 allegations closed by the Whistleblower Program from 7/1/06 through 12/31/06, a summary of our investigations and their results.

Complaint Allegation

Complainant reported that a large piece of obsolete equipment belonging to the Department of Public Health was recently dismantled and the copper and other parts were sold for scrap, which is a standard procedure. Caller alleged that, rather than depositing the proceeds in the appropriate DPH account, the money was stored in a safe at the work location and was being used for inappropriate work-related activities.

Investigation and *Result*

Investigation by the Office of the District Attorney determined *the complaint has merit. A total of $12,492 was recovered in remaining cash and restitution, delivered to the Office of the Controller and deposited in the General Hospital scrap revenue account. The manager involved received a one week suspension.*

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Allegation that a City employee at San Francisco General Hospital had been stealing hospital supplies for several months.	Complaint was investigated with the assistance of the Institutional Police who conducted surveillance on the subject who was apprehended with three bags of hospital supplies as alleged. A subsequent search of the subject's residence by Sheriffs found additional supplies. *Complaint found to have merit. Employee was immediately placed on leave pending discipline/termination and subsequently resigned with an unsatisfactory service notation in the personnel record.*
Allegation that a City vendor was double billing departments and had received double payment. Specific invoice numbers were provided.	Auditors reviewed the invoices cited by the complainant as well as a sampling of additional invoices received by several City departments for this vendor. It was determined that there had, in fact, been double billing and double payment, however the discrepancies had been previously discovered and credit memos had been issued. *Auditors were unable to identify any fraud; however a management letter is being prepared reviewing appropriate controls with the departments. In addition, a meeting will be held with their accounting and front line supervisors to review procedures.*
Complainant reported a Department of Public Health Clinic employee was actually sited at a union office doing union business.	Investigation determined the employee had been given permission to relocate to the union office during some work location restructuring. This was supposed to be temporary, but a change in management caused the return to be overlooked. *Complaint sustained and the employee was immediately ordered to return to his worksite.*
Allegation that a City property owner did not have garbage pickup and had been placing all his trash in a City-owned receptacle on his corner for years.	Investigation by the Department of Public Health Environmental Health Division *sustained the complaint. The inspector issued a notice to obtain service from Golden Gate Disposal, and verified that the owner has complied.*
Complaint that the reported cost of renovations to a City residential property had been severely undervalued on their Department of Building Inspection permit request causing the City loss of fee payment.	Investigation by the Department of Building Inspection and Planning Department determined that the construction value of the property should be revised from $90,000 to $350,000. *Complaint sustained. An additional $5,809 in fees was collected from the owners.*

Complaint that two dog-related businesses were being operated from a San Francisco residence not zoned for that purpose.

Planning Department inspectors made site visits and found no zoning violations. In addition, review by the Treasurer/Tax Collector's Office determined that both businesses were in compliance with City laws and Codes. *Complaint not sustained.*

Complaint that ordinary trash and recycling were being commingled at the Library's Main Branch in violation of the City's Resource Conservation Ordinance (Chapter 5 of the SF Environment Code).

Investigation determined that the Main Library has a "co-collection" system where trash and recyclables are both dumped into the same compactor. This compactor is taken to Recycle Central, where machines and hand sorters separate the trash from the paper, bottles and cans. In most cases, City departments place trash and recyclables in separate containers, however City Hall and the Main Library are two locations that use the co-collection system. The City has a goal of 75% waste diversion for City departments by 2010. The Library has already achieved 70%. *Complaint not sustained.*

A Muni employee reported unfair over-assignment frequently affecting the ability to leave the busy public area and duties for lunch or other breaks, and requiring employee to work uncompensated overtime.

Department has made staffing and procedural changes to alleviate the situation.

Employees who believe they are unfairly subject to over-assignment may file a grievance with their department supervisor, their personnel officer, the Employee Relations Division of Human Resources, or their bargaining unit. Each MOU contains a detailed procedure.

Allegation that a School District employee was fraudulently using a disabled placard in her personal vehicle.

Investigation determined the placard was legally registered. *Complaint was not sustained.*

Suspicions of disabled placard abuse may be referred to the Department of Parking and Traffic at 554-9816. Placard abuse can result in the cancellation and revocation of the placard and loss of the privileges it provides, and is punishable by a minimum fine of $250 up to $3,500 or imprisonment up to 6 months or both.

Did You Know?

A 2004 survey by the Association of Certified Fraud Examiners revealed that various forms of fraud are detected 40% of the time by tips, which made this the leading method for detecting fraud.

Examples of complaints received regarding misuse of City vehicles:

1. Allegation that a City car was being used for personal business because car was parked at a business outside City limits and had two child safety seats installed.
2. Complainant reported questionable use of a City vehicle.
3. Allegation that a City car was seen being used for possible personal purposes on several Saturdays.
4. Allegation that a City car had been periodically parked in a residential area for approximately two hours per occurance.
5. Complaint that a City van ran a stop sign. When complainant reached the van at the next stop light, he complained to the driver who allegedly swore at the complainant in response.
6. Complainant reported seeing an employee urinating in the street behind the open rear door of a City van.
7. Complainant observed a City vehicle truck park at a pot club and the driver enter the club.
8. Complainant reported—and submitted pictures of—a City truck which had parked on a corner in front of a fire hydrant on a Sunday. The employee entered a residence where he remained for at least an hour and a half.

1. City employees routinely drive City vehicles outside the City limits on approved business. This vehicle was being used by a Human Services Social Worker to transport children. *Complaint not sustained.*
2. Investigation determined the vehicle is assigned to the Department of Elections. When the manager went to the location where the vehicle was assigned, he found the truck missing and reported it stolen. It was later located vandalized at Monster.com Park. It was repaired by Central Shops and returned to the department.
3. Investigation determined that the vehicle was assigned to the Parking Authority for use in an ongoing traffic study for three consecutive Saturdays regarding a proposed Saturday closure of the east end of Golden Gate Park. *Complaint not sustained.*
4. Investigation determined the driver was visiting a relative during his lunch period. *Complaint sustained. Employee received counseling on appropriate use of City vehicle and was ordered to restrict his lunch to the allotted time.*
5. The Muni employee was identified and counseled. *Complaint sustained. Employee was given a verbal warning, the first level of City discipline.*
6. The van is assigned to the Department of Telecommunications & Information Systems. *Complaint sustained. Employee was given a verbal warning.*
7. Truck is assigned to the Department of Public Works. *Complaint had merit. Disciplinary action taken against the employee.*
8. Truck is assigned to the Department of Public Works. *Complaint had merit. Disciplinary action taken against the employee.*

Whistleblower Program 2007-08 Mid-Year Report

January 23, 2008

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Whistleblower Hotline
3-1-1 / TTY: 415-701-2323

Outside of area code 415:
415-701-2311 /
TTY: 415-701-2323

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What's New With the Whistleblower Program?

The first half of FY 2007-08 saw a change in the way some complaints are submitted. Anyone wishing to submit a whistleblower complaint may now file it over the phone by dialing 3-1-1 instead of the old 554-CITY number. 3-1-1 will record the complaint and forward it directly to the Whistleblower Unit while maintaining confidentiality. By switching to 3-1-1 the Whistleblower Program can now receive calls by phone 24 hours a day, 7 days a week, 365 days a year! Whistleblower complaints can still be submitted via web form on the Whistleblower website, fax, e-mail, and postal mail.

The Whistleblower Program received 154 complaints July 1, 2007, through December 31, 2007, and closed 142 complaints during the same period. 3-1-1 began taking calls at the end of October, 2007.

Complaint Allegation	Resolution
Allegation that a City employee driving a City vehicle nearly hit and then threatened a bicyclist.	Complaint was found to have merit. Using a global positioning system (GPS) unit, which are included in some City vehicles, the department was able to identify the employee and take appropriate disciplinary action.

Tip: *Submitting your contact info with your complaint will provide a means for the investigator to contact you if they have questions and relay the results of their investigation while maintaining your confidentiality.*

Complaint Allegation	Resolution
Allegation that a parking control officer failed to write street sweeping tickets for friends' cars.	Upon investigation the complaint was found to have merit. The parking control officer was disciplined, reminded of their duties, and transferred to another district.
Allegation that the San Francisco Fire Department failed to adequately compensate inspectors who worked overtime.	This complaint was found to have no merit. The employees are covered by a collective bargaining agreement which, based on its provisions, supersedes the California Labor Code's overtime requirements.
Allegation that a Municipal Transportation Agency (MTA) employee was working for his private business while on family medical leave.	After an extensive investigation by the San Francisco Police Department and MTA it was determined that the complaint had merit. The employee was found to be in violation of City family medical leave policy and failing to file the required secondary employment request. The employee was disciplined accordingly.
Allegation that the executive director of a non-profit primarily funded by the Human Services Agency (HSA) was spending City funds on personal items, failed to pay the organization's bills, such as employee health insurance premiums, and refused to submit documentation to auditors.	The complaint was found to have merit. The investigation unearthed additional violations, including bonuses and consulting fees paid to the director, fundraising expenses that exceeded fundraising revenues and additional income not reported on IRS form W-2. As a result of the investigation the City no longer funds this organization.

3-1-1 is not just for whistleblower complaints. When you dial 3-1-1 (or 415-701-2311 if you are outside of area code 415), you will be connected with a representative who will take complaints and requests for information regarding general City services, and will assist with non-emergency City and County of San Francisco government matters. 3-1-1 is available in over 175 languages and offers TTY access. Visit www.sfgov.org/311 for more information.

Whistleblower Program 2008-09 Mid-Year Report

February 3, 2009

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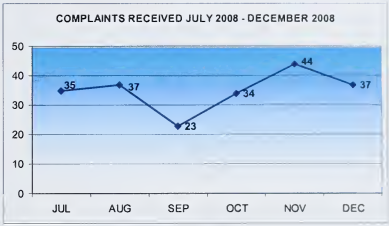
Whistleblower Statistics

The Whistleblower Program received 210 complaints July 1, 2008, through December 31, 2008, and closed 178 complaints during the same period. The 210 complaints received through the first half of the fiscal year represents a 36 percent increase over the same period last year. During the current period 43 percent of complaints received were anonymous, while 57 percent included contact information. Of the complaints that did not include contact information, 69 percent were investigated while 31 percent of the anonymous complaints had insufficient detail to do meaningful follow-up work. We urge anyone making a whistleblower complaint to provide contact information—it makes a difference in the ability to investigate. Contact information is protected from disclosure and will only be used by the investigators to ask follow-up questions and/or to relay results of the investigation.



Below are examples of complaint allegations and investigation results from some of the 184 complaints closed during the period July 1, 2008, through December 31, 2008.

Complaint Allegation	Resolution
Allegation that during work hours a museum security guard was using City resources to work for a private employer.	This complaint was found to have merit. After an extensive review of the employee's phone records and work history it was determined that the employee was regularly making phone calls from their City work phone to their other employer. The employee was subsequently terminated.

Complaint Allegation	Resolution
Allegation that two City employees got into a verbal argument and later a physical altercation with no disciplinary repercussions.	This complaint was sustained, in part. At the time the complaint was received an investigation in to the incident was already taking place by the department. The complaint shed light on other incidences that were not, at the time, known to the department. At the conclusion of the investigation one of the employees was terminated and the other was suspended.
Allegation that an employee left their City vehicle to verbally abuse and intimidate another driver.	This complaint was found to have merit. The employee was interviewed about the incident and admitted that they did not handle the situation professionally. The employee was disciplined and immediately transferred to a non-road duty position with little public interaction.
Allegation that a customer service employee was exceptionally rude and disrespectful.	This complaint was found to have merit. The employee was interviewed but denied knowledge of the incident. A review of the employee's personnel file revealed that the employee has had similar customer complaints in the past. The department is pursuing discipine for the employee.
Allegation that City employees were sending and receiving personal email from their work account.	This complaint was found to have merit. Several employees were counseled regarding City email policy and a departmental memo was written reminding employees of email policy.

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